United States District Court
District of Connecticut
FILED AT BRIDGEPORT
1/18/2012
Roberta D. Tabora, Clerk
By
Deputy Clerk

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

Grand Jury B-10-1

UNITED STATES OF AMERICA	:	Criminal No. 3:12CR___( )
	:	017 (AWT)
v.	:	
	:	VIOLATIONS:
JOHN MILLER,	:	18 U.S.C. § 241 [Conspiracy Against Rights]
DAVID CARI,	:	18 U.S.C. § 242 [Deprivation of Rights]
DENNIS SPAULDING and	:	18 U.S.C. § 1519 [Obstruction]
JASON ZULLO,	:	
	:	
Defendants.	:	

INDICTMENT

The Grand Jury charges:

COUNT ONE
(Conspiracy Against Rights)

At all times relevant to this Indictment:

Introduction

1. The East Haven Police Department ("EHPD") is a duly constituted police agency responsible for providing law enforcement services to serve and protect the community of East Haven. The East Haven Board of Police Commissioners (the "Police Commission") consists of five police commissioners (the "Police Commissioners"), each appointed by the Mayor of East Haven for a limited term, who are responsible for the general oversight of the EHPD, including the appointment and removal of officers and the generation of rules and regulations.

2. In their oath of office, EHPD officers solemnly swear to "bear true faith and allegiance to the United States of America and the State of Connecticut," to "support the constitution and laws thereof," "to faithfully and impartially discharge and perform all duties incumbent upon . . . police officer[s] of the Town of East Haven," and "to obey and be bound by such rules and regulations as are or may be adopted by the Chief of Police and/or the Board of Police Commissioners."

3. Defendant JOHN MILLER was a sergeant in the EHPD who, together with other sergeants, often supervised the 4:00 p.m. to midnight shift. Defendants DAVID CARI, DENNIS SPAULDING and JASON ZULLO (the "Defendant Officers") were officers in the EHPD who usually worked during the 4:00 p.m. to midnight shift. CARI, SPAULDING, ZULLO and others were known as "MILLER's boys".

The Conspiracy

Objective of the Conspiracy

4. From in or about 2007 through in or about 2011, in the District of Connecticut, the defendants JOHN MILLER, DAVID CARI, DENNIS SPAULDING and JASON ZULLO, while acting under color of law, did knowingly and willfully conspire and agree together and with each other and others, known and unknown to the Grand Jury, to injure, oppress, threaten, and intimidate various members of the East Haven community, in the free exercise and enjoyment of rights secured to them by the Constitution and laws of the United States, that is, the right to be free from unreasonable searches and seizures, which includes the right not to be arrested and detained without probable cause and the right not to be arrested and detained based

upon false and misleading evidence, and the right to be free from the use of unreasonable force by law enforcement officers.

Plan and Purpose of the Conspiracy

5. It was the plan and purpose of the conspiracy that the defendants JOHN MILLER, DAVID CARI, DENNIS SPAULDING and JASON ZULLO, and their co-conspirators, would use their status and authority as law enforcement officers to carry out the objective of the conspiracy.

6. It was further part of the conspiracy to maintain and perpetuate an environment within the EHPD that allowed and encouraged unreasonable searches and seizures and the use of unreasonable force by law enforcement officers to continue indefinitely and with impunity.

7. It was further part of the conspiracy to prepare and approve reports that contained false and misleading information to support their abuses, and to hide and conceal, and cause to be hidden and concealed, the objective of the conspiracy and the acts committed in furtherance thereof.

8. It was further part of the conspiracy to ostracize, harass and intimidate individuals, including victims, victims' advocates, witnesses, fellow officers, Police Commissioners and outside investigators, who attempted to investigate or report misconduct or abuse committed by the defendants. The defendants and their co-conspirators committed these acts of harassment and intimidation in an effort to prevent further investigation or scrutiny of the defendants' conduct, and thereby conceal the defendants' abuse from others.

Roles of the Defendants

9. Defendant MILLER, who often supervised the Defendant Officers, together with others, maintained and perpetuated an environment for those under his command where the use of unreasonable force and unreasonable searches and seizures was tolerated and encouraged. MILLER led by example. MILLER struck a hand-cuffed individual who was under the secure control of two other patrol officers. MILLER openly committed this assault in front of other officers and reprimanded the one witnessing officer who reported the abuse to his supervisory sergeant. MILLER also permitted another officer to engage in unreasonable force in MILLER's presence. He took no meaningful action to investigate the incident, reprimand or discipline the officer, provide officer training or otherwise address the illegal use of force.

10. Defendant MILLER did not always follow the chain of command within the EHPD, and instead circumvented his direct supervisor and reported directly to a leader in the EHPD, who is known to the Grand Jury and is referred to herein as Co-conspirator-1. Co-conspirator-1 protected MILLER and the Defendant Officers from investigations into their misconduct. Co-conspirator-1 refused to provide the Police Commission with an arrest report involving the defendant CARI, and dismissed the Police Commission's request to investigate MILLER's alleged misconduct. In an effort to undermine the Police Commission's effectiveness, Co-conspirator-1 barred all EHPD personnel from permitting Police Commissioners on the premises of the EHPD station without his prior approval.

11. Defendant MILLER was a leader of the union that represented officers of the EHPD (the "Union"), including serving as President of the Union from in or about December 2010 to the present. Certain other Union leaders, who are known to the Grand Jury and are

referred to herein as "Union Leader-1" and "Union Leader-2", engaged in various acts of intimidation and interference to protect MILLER and the Defendant Officers from any investigations of their misconduct. When allegations of misconduct by MILLER were referred to the Police Commission for review, Union Leader-1 harassed and intimidated the Police Commissioners and others to such an extent that the Police Commission's hearing could not proceed.

12. Defendants CARI, SPAULDING and ZULLO engaged in unreasonable searches and seizures, including unlawful searches of premises and arrests of individuals without probable cause or based on false and misleading information.

13. Defendants MILLER, SPAULDING, ZULLO and another officer, known to the Grand Jury, used unreasonable force during lawful and unlawful arrests. This unreasonable force was used when victims were unarmed, neither resisting nor interfering with the police, but rather securely under the control of the police or otherwise cooperative. In some cases, the victims were handcuffed with their hands behind their backs when they were assaulted by officers. Some of the victims were particularly vulnerable because they were undocumented aliens or otherwise marginalized, having little perceived standing in the community, and thus unlikely to raise objection to the abuse.

14. Defendants SPAULDING and ZULLO intimidated, harassed and humiliated members of the Latino community and their advocates. SPAULDING and ZULLO conducted unreasonable and illegal searches at Latino-owned businesses, routinely maintained patrol cars in front of these businesses, regularly conducted traffic stops of Latino customers entering or exiting these businesses, towed their vehicles, and arrested or detained them. SPAULDING

followed, intimidated and harassed advocates who worked to defend the rights of members of the Latino community. SPAULDING and ZULLO used racist and other inappropriate language with each other and when they interacted with or referred to members of the Latino community.

15. Defendants CARI and SPAULDING prepared reports that contained false and misleading information to support their false arrests, and to hide and conceal, and cause to be hidden and concealed, their and other officers' misconduct.

16. Defendants CARI and SPAULDING attempted to and did prevent civilians from lawfully video-recording police conduct, falsely alleging they were interfering with police operations, in an effort to prevent these civilians from capturing their and other officers' misconduct on videotape.

17. In order to conceal defendants' misconduct and abuse, Co-conspirator-1, Union Leader-1 and Union Leader-2 actively took steps to strongly discourage, and even to threaten, fellow officers and other witnesses, who might report officer misconduct or cooperate in investigations of the EHPD.

Overt Acts

18. In furtherance of the conspiracy, and to effect the objective thereof, the defendants committed the following overt acts, among others, in the District of Connecticut:

Assault of T.S.

a. On or about July 16, 2007, in the vicinity of Saltonstall Parkway in East Haven, defendant MILLER watched while an officer under his supervision used unreasonable force against T.S. who was handcuffed, and MILLER failed to stop the assault, although he was a sergeant and it was his duty to do so.

b. On or about July 16, 2007, in the vicinity of Saltonstall Parkway in East Haven, defendant MILLER repeatedly slapped T.S. who was handcuffed inside a patrol car.

Communications re: Harassment of Latino Motorists

c. On or about May 1, 2008, defendant ZULLO communicated with defendant SPAULDING by way of a car-to-car chat between mobile data terminals in their patrol cars. ZULLO stated that he "likes harassing [sic] motorist[]" and referred to "persons who have drifted to this country on rafts made of chicken wings and are now residing on Maint [sic] St East Haven."

d. On or about July 30, 2008, defendants ZULLO and SPAULDING communicated by way of a car-to-car chat. ZULLO informed SPAULDING that a new Latino-owned grocery store was opening in East Haven, and SPAULDING replied, "wonder full[sic], when is the grand opening, I'll have to take the center."

e. On February 8, 2009, defendants ZULLO and SPAULDING communicated by way of a car-to-car chat. SPAULDING wrote to ZULLO: "labamba's only has 5 cars." ZULLO replied, "Thats 5 cars to [sic] many!!"

Assault and False Arrest of M.M.

f. On or about November 22, 2008, in the parking lot of La Bamba, a Latino-owned restaurant and bar, located at 460 Main Street in East Haven ("La Bamba"), defendant SPAULDING threw M.M. to the ground, causing a deep cut to M.M.'s chin, and repeatedly kicked M.M. in the back and legs while M.M.'s hands were handcuffed behind his back.

g. On or about November 22, 2008, defendant SPAULDING arrested M.M. under false pretenses to prevent M.M. from recording him and to conceal and cover-up his assault of M.M.

h. On or about November 22, 2008, defendant SPAULDING prepared a false and misleading report to justify the false arrest of M.M.

Harassment and Illegal Search of Residence

i. In or about January 2009, defendant SPAULDING, in East Haven, harassed and threatened S.A., by entering his property and home and making racially discriminatory remarks. Later the same day, in East Haven, SPAULDING threatened to arrest S.A. when S.A. requested SPAULDING's name.

False Arrests of J.L.A., J.E. and G.X.C. and Assaults of J.L.A. and G.X.C.

j. On or about January 21, 2009, in the parking lot of La Bamba, defendants SPAULDING and ZULLO arrested J.L.A., G.X.C. and J.E. under false pretenses.

k. On or about January 21, 2009, defendant SPAULDING prepared a false and misleading report to justify the false arrests of J.L.A., G.X.C. and J.E.

l. On or about January 21, 2009, in the EHPD station, defendant ZULLO struck J.L.A.'s head against a wall, and again assaulted J.L.A. inside a station cellblock.

m. On or about January 21, 2009, in the EHPD station, defendant ZULLO struck G.X.C.'s head against a wall.

Illegal Search of Vehicle

n. On or about February 19, 2009, defendants SPAULDING and CARI and other officers unreasonably searched a vehicle parked outside of My Country Store, a Latino-owned

grocery store located at 677 Main Street in East Haven ("My Country Store"), and handcuffed and detained F.C.

False Arrest of F.J.M. and False Report

o. On or about February 19, 2009, inside My Country Store, defendant CARI, with assistance from defendant SPAULDING, and under the supervision of defendant MILLER, arrested F.J.M., an advocate and religious leader for Latinos in the East Haven community, on false pretenses.

p. On or about February 19, 2009, within two hours of F.J.M.'s arrest, at least six telephone calls were placed among defendants MILLER, SPAULDING and CARI and Co-conspirator-1.

q. From on or about February 19, 2009, through on or about March 3, 2009, defendant CARI, who was supervised by defendant MILLER on the day of F.J.M.'s arrest, drafted various false versions of an arrest report.

Illegal Search of Back Room at My Country Store

r. On or about February 19, 2009, at defendant MILLER's direction, defendants CARI, SPAULDING and ZULLO and others conducted an illegal search of the back room of My Country Store in an effort to unlawfully seize the store's video-recording.

Illegal Search of Los Amigos Grocery Store

s. In or about February 2009, defendant SPAULDING entered Los Amigos Grocery, a Latino-owned grocery store located at 459 Main Street in East Haven, and unreasonably searched the private area of the store for a video-camera the store owner had used to record SPAULDING's stop of a customer.

Intimidation and Harassment of the Owners of My Country Store

t. On or about the night of March 4, 2009, defendant ZULLO and other officers, while in their patrol cars, circled My Country Store, and later followed, stopped and questioned the owners of My Country Store.

Intimidation and Harassment of F.J.M. and Law Students

u. From in or about February 2009 through in or about March 2009, Co-conspirator-1 placed multiple telephone calls to F.J.M.'s supervisor repeatedly requesting that the supervisor order F.J.M. out of East Haven.

v. On or about October 12, 2009, defendant SPAULDING, while in his patrol car, closely followed F.J.M. and a law student as they drove away from My Country Store.

w. On or about February 4, 2010, in the parking lot of My Country Store, defendant SPAULDING stopped and shone a spotlight on F.J.M. and two law students and questioned why they were raising civil rights issues.

x. On or about April 30, 2010, at approximately midnight, in the vicinity of Stop & Shop on Main Street in East Haven, defendant SPAULDING, while in his patrol car, followed, stopped and questioned F.J.M. who was on foot.

y. In or about mid-2010, after receiving authorization from MILLER and other Union officials, Union Leader-1 placed a telephone call to a private investigator to hire the investigator to follow F.J.M.

Intimidation of East Haven Resident

z. On or about October 30, 2009, Union Leader-2 and another EHPD Officer visited an East Haven resident at his place of employment in East Haven, and threatened to arrest him

for his public criticism of the EHPD, including criticism of MILLER, CARI, SPAULDING and ZULLO.

Assault of N.D.

aa. On or about January 3, 2010, in the vicinity of Thompson Avenue in East Haven, defendant MILLER struck N.D. who was handcuffed and in the secure control of two other officers.

bb. On or about January 3, 2010, defendant MILLER reprimanded a fellow officer who had witnessed MILLER's assault of N.D. and who had reported it to a supervisory sergeant.

Intimidation and Harassment of Police Commissioners

cc. From in or about February 2009 through in or about September 2009, Co-conspirator-1 refused to comply with the repeated requests of a Police Commissioner ("Police Commissioner-1") for information regarding defendant CARI's arrest of F.J.M., and claimed the requests constituted interference with police matters.

dd. From in or about April 2009 through in or about August 2009, Co-conspirator-1 refused to comply with the Police Commissioners' request to investigate misconduct involving defendant MILLER.

ee. On or about April 4, 2011, defendant SPAULDING stopped and ticketed Police Commissioner-1.

ff. On or about November 17, 2011, at a Police Commission hearing regarding allegations of misconduct involving defendant MILLER's postings on the Union bulletin board at the EHPD, Union Leader-1 acted in such a disruptive and intimidating manner that the hearing was terminated.

gg. On or about November 30, 2011, Co-conspirator-1 ordered all EHPD personnel not to permit Police Commissioners on the premises of the EHPD station without his prior approval, and threatened discipline for failure to comply with the order.

Intimidation of EHPD Personnel

hh. In or about September 2010, a depiction of a "rat" was posted on a bulletin board at the EHPD, controlled by Union officials; including MILLER, Union Leader-1 and Union Leader -2.

ii. In or about November 2010, at a meeting in East Haven where SPAULDING, ZULLO and other officers were present, Union Leader-1 and Union Leader-2 made threatening statements about an EHPD officer ("Officer-1") who they believed was cooperating in an investigation of the EHPD.

jj. In or about January 2011, after the threats regarding Officer-1, set forth in Overt Act ii, were made, Officer-1 found, posted in the patrol locker room of the EHPD, a cartoon stating "You know what we do to snitches?", a copy of which cartoon was at that time also hanging on the wall of Union Leader-2's locked office.

All in violation of Title 18, United States Code, Section 241.

COUNT TWO
(Deprivation of Rights: Unreasonable Force)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about November 22, 2008, in the District of Connecticut, defendant DENNIS SPAULDING, while acting under color of law, did assault M.M., which resulted in

M.M.'s bodily injury, willfully depriving M.M. of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer, that is, SPAULDING threw M.M. to the ground in the parking lot of La Bamba, causing a deep cut to M.M.'s chin, and repeatedly kicked M.M. in the back and legs while M.M.'s hands were handcuffed behind his back.

In violation of Title 18, United States Code, Section 242.

COUNT THREE
(Deprivation of Rights: False Arrest)

1. The allegations set forth in paragraphs 1 – 13 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about November 22, 2008, in the District of Connecticut, defendant DENNIS SPAULDING, while acting under color of law, did willfully deprive M.M. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right not to be arrested and detained without probable cause and the right not to be arrested based upon false and misleading evidence, that is, SPAULDING arrested M.M. without probable cause and wrote a false and misleading report justifying the false arrest.

In violation of Title 18, United States Code, Section 242.

COUNT FOUR
(Obstruction: False Report)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about November 22, 2008, in the District of Connecticut, defendant DENNIS SPAULDING, in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly conceal, cover up, falsify and make material false entries in a document with the intent to impede, obstruct, and influence the investigation of that matter, that is, SPAULDING made false and misleading statements in his report relating to his arrest of M.M. in order to cover up and create a false justification for his assault and false arrest of M.M.

In violation of Title 18, United States Code, Section 1519.

COUNT FIVE
(Deprivation of Rights: Unreasonable Force)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about January 21, 2009, in the District of Connecticut, defendant JASON ZULLO, while acting under color of law, did assault J.L.A., which resulted in J.L.A.'s bodily injury, willfully depriving J.L.A. of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer, that is, inside the EHPD station, ZULLO struck J.L.A.'s head against a wall, and again assaulted J.L.A. inside a station cellblock.

In violation of Title 18, United States Code, Section 242.

COUNT SIX
(Deprivation of Rights: False Arrest)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about January 21, 2009, in the District of Connecticut, defendant DENNIS SPAULDING, while acting under color of law, did willfully deprive J.L.A. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right not to be arrested and detained without probable cause and the right not to be arrested and detained based upon false and misleading evidence, that is, SPAULDING arrested J.L.A. without probable cause and wrote a false and misleading report justifying the false arrest.

In violation of Title 18, United States Code, Section 242.

COUNT SEVEN
(Obstruction: False Report)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about January 21, 2009, in the District of Connecticut, defendant DENNIS SPAULDING, in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly conceal, cover up, falsify and make material false entries in a document with the intent to impede, obstruct, and influence the investigation of that matter, that is, SPAULDING made false and misleading

statements in his report relating to his arrest of J.L.A. in order to cover up and create a false justification for his false arrest of J.L.A.

In violation of Title 18, United States Code, Section 1519.

COUNT EIGHT
(Deprivation of Rights: False Arrest)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. From on or about February 19, 2009 through on or about March 3, 2009, in the District of Connecticut, defendant DAVID CARI, while acting under color of law, did willfully deprive F.J.M. of the right, secured and protected by the Constitution and laws of the United States, to be free from unreasonable seizures, which includes the right not to be arrested and detained without probable cause and the right not to be arrested or detained based upon false and misleading evidence, that is, CARI arrested F.J.M. without probable cause and wrote a false and misleading report justifying the false arrest.

In violation of Title 18, United States Code, Section 242.

COUNT NINE
(Obstruction: False Report)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. From on or about February 19, 2009 through on or about March 3, 2009, in the District of Connecticut, defendant DAVID CARI, in relation to and in contemplation of a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, did knowingly conceal, cover up, falsify and make material false entries in a document with the

intent to impede, obstruct, and influence the investigation of that matter, that is, CARI made false and misleading statements in his report relating to his arrest of F.J.M. in order to cover up and create a false justification for his false arrest of F.J.M.

In violation of Title 18, United States Code, Section 1519.

COUNT TEN
(Deprivation of Rights: Unreasonable Force)

1. The allegations set forth in paragraphs 1 – 3 and 5-17 of Count One are realleged and incorporated by reference.

2. On or about January 3, 2010, in the District of Connecticut, defendant JOHN MILLER, while acting under color of law, did assault N.D., which resulted in N.D.'s bodily injury, willfully depriving N.D. of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer, that is, in the vicinity of Thompson Avenue in East Haven, MILLER struck N.D. while N.D. was handcuffed and in the secure custody of two other police officers.

In violation of Title 18, United States Code, Section 242.

A TRUE BILL

REDACTED

FOREPERSON

DAVID B. FEIN
UNITED STATES ATTORNEY

DEIRDRE M. DALY
FIRST ASSISTANT UNITED STATES ATTORNEY

KRISHNA PATEL
ASSISTANT UNITED STATES ATTORNEY